

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

AUG 6 1986

SECRETARY OF LABOR,	:	DISCRIMINATION PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 86-93-D
ON BEHALF OF	:	MSHA Case No. BARB CD 85-52
CHARLES BALL,	:	
Complainant	:	No. 37 Mine
v.	:	
ARCH OF KENTUCKY, INC.,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

This proceeding concerns a complaint of alleged discrimination filed by the Secretary of Labor on behalf of Charles Ball against the respondent pursuant to section 105(c)(2) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. The complaint alleges that on or about June 6, 1985, the complainant was discriminated against and suspended by the respondent because he had complained to the respondent about safety violations and refused to continue to work under certain alleged existing hazardous conditions. The matter was scheduled for hearing in Duffield, Virginia, on August 26, 1986.

On August 4, 1986, the parties filed a motion for my approval of a proposed settlement of the case. Counsel for both parties, including the complainant Charles Ball, have executed the proposed settlement, the terms of which are in pertinent part as follows:

1. Respondent agrees to pay to Mr. Charles Ball wages in the amount of \$534.20 representing wages he would have earned had he not been placed on suspension for 3 days without pay. In addition to this, respondent agrees to make appropriate